

is warranted since this Court lacks jurisdiction over Smith's custodian, the USDB Commandant.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 20] issued on December 2, 2011;

(2) DENIES as MOOT Smith's challenges to his placement on MSR and to the conditions of his release; and

(3) DISMISSES without prejudice to refiling all other claims asserted by Smith in this matter.

ENTERED this 5th day of January, 2012.



LEE R. WEST
UNITED STATES DISTRICT JUDGE